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REMARKS

Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks.

Amendment to the Claims

Applicants have amended Claim 8 by including the limitation of Claim 18, described in more detail at page 9, lines 7-12 of the Specification and shown as element 82 of Figs. 2 and 3, and the limitation that the planar sheet includes exactly one longitudinal row of container receiving openings. Applicants have further amended Claim 14 to require the limitation of Claim 18, the limitation that the planar sheet includes only one longitudinal row and the limitation that the container receiving opening engages the sidewall of the bottle between a cap of the bottle and an approximately midpoint of the sidewall, as shown in Figs. 5-8. Applicants have accordingly canceled Claim 2-7 and 18-20. Applicants urge that the above amendments and new claims add no new matter to the application.

Claims Rejection - 35 U.S.C. §102 THE OLSEN '821 PATENT AND/OR THE MARCO '829 PATENT

The Examiner has rejected Claims 2-7 and 20 under 35 U.S.C. §102 as anticipated by Olsen, U.S. Patent 6,182,821 (the Olsen '821 Patent) and Claims 2-3, 5, 7 and 20 as anticipated by Marco et al., U.S. Patent 5,072,829 (the Marco '829 Patent). Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

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Following amendment, all independent claims now require the limitation of Claim 18 and the additional limitation that the planar sheet includes only one row of container receiving openings. Applicants urge that such amendment renders the subject rejections moot.

Claims Rejection - 35 U.S.C. §103
THE OLSEN '821 PATENT AND/OR THE MARCO ET AL. '829 PATENT AND/OR
IN VIEW OF THE OLSEN '994 PATENT

The Examiner has rejected Claims 8-13, 16 and 19 under 35 U.S.C. §103(a) as unpatentable over the Olsen '821 Patent and/or the Marco '829 Patent and/or in view of Olsen, U.S. Patent 6,148,994 (the Olsen '994 Patent). Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

As described above, Applicants have incorporated at least the additional limitations of Claim 18 together with the requirement that the planar sheet includes only one row of container receiving openings. Applicants urge that the subject amendments render such rejection moot. As such, Applicants urge that the cited combination does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

Claims Rejection - 35 U.S.C. §103
THE MARCO ET AL. '880 PATENT IN VIEW OF THE SLOMSKI PATENT

The Examiner has additionally rejected Claims 2-5, 7-10, 14, 15 and 17-20 under 35 U.S.C. §103(a) as unpatentable over Marco et al., U.S. Patent 6,230,880,

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(the Marco '880 Patent) in view of Slomski, U.S. Patent 5,868,659 (the Slomski Patent). Applicants respectfully traverse this rejection in view of the above Amendment and the following remarks.

Applicants note that the Marco '880 Patent, like the other cited references, teaches an aperture 25 positioned at an interior of a panel 35 and not the periphery of the panel 35. The Examiner admits that the Marco et al. '880 Patent does not teach an aperture positioned in an outer periphery of the panel to thereby invert the panel at least partially against the containers. On the contrary, the Marco et al. '880 Patent teaches a panel that, if used contrary to its designed purpose (i.e., as a handle, Col. 1, lines 40-42), will invert the panel above the plurality of containers. Therefore, the Marco '880 Patent, teaching a handle positioned inside of the panel, teaches away from the claimed invention requiring a handle positioned at an outer periphery of the panel. Applicants urge that the cited art does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

Following amendment, all independent claims now require a handle positioned at the periphery of a panel that inverts when the handle is lifted. Applicants have further amended Claims 8 and 14 to require a single longitudinal row of container receiving openings and a weakened area positioned between the panel and the longitudinal row of container receiving openings, the weakened area for generating a sharp crease when the panel is inverted. Applicants have additionally

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amended independent Claim 14 to require that each container receiving opening engages a bottle along a sidewall between a cap of the bottle and an approximate midpoint of the sidewall, as clearly supported in the drawings at Figs. 5-8. Applicants urge that such limitations are neither taught nor suggested by the combination of the Marco '880 Patent and/or the Slomski Patent.

In addition, the Marco et al. '880 Patent teaches an aperture 25 positioned at an interior of a panel 35 and not the periphery of such panel. However, the Examiner alleges that the Slomski Patent teaches such an aperture 44 in Figs. 1 and 2. However, the Slomski Patent teaches directly away from the claimed invention, by requiring that the panel 42 comprise a separate assembly that is mated perpendicularly to the carrier body. In this way, the Slomski Patent does not teach or suggest a panel that is inverted at least partially against the containers when lifted.

Neither the Slomski Patent nor the Marco et al. '880 Patent teach or suggest only a single row of container receiving openings as required in Claim 1 of Applicants' invention. On the contrary, the Slomski Patent, requiring a handle that extends between two rows of containers would not function with a single row of container receiving openings. In addition, the Marco et al. '880 Patent neither teaches nor suggests only a single row of container receiving openings, as each and every embodiment in the Marco et al. '880 Patent clearly teaches two rows of container receiving openings.

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Like the other cited references, the handle taught by the Slomski Patent will not invert at least partially against the containers because the load of the containers will maintain the package of containers directly beneath the handle of the Slomski Patent. When combined with the teachings of the Marco '880 Patent, one is similarly left with the suggestion that the handle is maintained directly above the containers and thus results in containers that are carried at an angle of approximately 90° with respect to horizontal, not between approximately 30° and 75° with respect to horizontal. Applicants urge that the cited combination does not teach or suggest Applicants' claimed invention as required by 35 U.S.C. §103.

CONCLUSION

Applicants hereby authorize the Commissioner to charge any required fees to Deposit Account 19-3550. In view of the above Amendment and remarks, Applicants sincerely believe that Claims 8-17 of this patent application are now in condition for allowance and early allowance is respectfully requested.

Respectfully submitted,



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